

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

James A. Broomhead, Jr. and Maria Broomhead, h/w  
1015 Detwiler Avenue, Beverly, New Jersey 08010

(b) County of Residence of First Listed Plaintiff Burlington  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Richard A. Wolfe, Esquire / TabakinWolfe, LLP / 215-525-1616  
1000 Germantown Pike, B-3, Plymouth Meeting, PA 19462

**DEFENDANTS**

High Tower, LLC, et al (see attached sheet)  
1618 Summit Drive, Fort Atkinson, WI 53538

County of Residence of First Listed Defendant Jefferson  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY		OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act		
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))			
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 400 State Reapportionment			
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 410 Antitrust			
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 430 Banks and Banking			
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 450 Commerce			
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 460 Deportation			
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations			
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit			
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 490 Cable/Sat TV			
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/Exchange			
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions			
				<input type="checkbox"/> 891 Agricultural Acts			
				<input type="checkbox"/> 893 Environmental Matters			
				<input type="checkbox"/> 895 Freedom of Information Act			
				<input type="checkbox"/> 896 Arbitration			
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision			
				<input type="checkbox"/> 950 Constitutionality of State Statutes			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1332(a)(1); 28 U.S.C. 1391(a)(2)

Brief description of cause:  
Motor Vehicle accident

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
300,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/27/19

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JAMES A. BROOMHEAD, JR. and  
MARLA BROOMHEAD, h/w  
1015 Detwiler Avenue  
Beverly, NJ 08010

Plaintiffs,

v.

HIGH TOWER, LLC  
1618 Summit Drive  
Fort Atkinson, WI 53538  
and

TEDD R. MALLER  
3039 South Caroline Street  
Orfordville, WI 53576  
and

ABC CORP. 1-20

and

JOHN DOE 1-20

Defendants.

CIVIL ACTION NO.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JAMES A. BROOMHEAD, JR. and  
MARLA BROOMHEAD, h/w  
1015 Detwiler Avenue  
Beverly, NJ 08010

Plaintiffs,

v.

HIGH TOWER, LLC  
1618 Summit Drive  
Fort Atkinson, WI 53538  
and  
TEDD R. MALLER  
3039 South Caroline Street  
Orfordville, WI 53576  
and  
ABC CORP. 1-20  
and  
JOHN DOE 1-20

Defendants.

CIVIL ACTION NO.

**CIVIL ACTION – COMPLAINT**

**THE PARTIES**

1. Plaintiff, James A. Broomhead, Jr., is a citizen and resident of the State of New Jersey; is an adult individual; and, resides 1015 Detwiler Avenue in Beverly, New Jersey.

2. Plaintiff, Marla Broomhead, is a citizen and resident of the State of New Jersey; is an adult individual; and, resides 1015 Detwiler Avenue in Beverly, New Jersey. She is the spouse of Plaintiff, James A. Broomhead, Jr.

3. Defendant, High Tower, LLC, is a corporation or other business entity authorized and existing under the laws of the State of Wisconsin, maintaining its principal place of business at 1618 Summit Drive, Fort Atkinson, Wisconsin.

4. Defendant, Tedd R. Maller, is a citizen and resident of the State of Wisconsin; is an adult individual; and resides at 3039 South Caroline Street in Orfordville, Wisconsin.

5. Defendants, ABC CORP. 1-20 are corporations, affiliates, subsidiaries and/or partners of the Defendants and/or vendors and/or business entities and/or fictitious corporations designating the owner, operator maintainer, possessor, lessor, lessee, involved in the operation and service of the motor vehicle identified herein which struck Plaintiff's vehicle.

6. Defendants, John Does 1-20 are individuals, fictitious names designating the owner, operator maintainer, possessor, lessor, lessee, agents, servants, workmen and/or employees alter egos and/or representatives involved in the safety, inspection, cleaning, supervision, maintenance, care, custody, control and/or operation of the motor vehicle identified herein which struck Plaintiff's vehicle

#### **JURISDICTION**

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1332(a)(1) in that "the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different States".

#### **VENUE**

8. Venue over this action is appropriate in this matter pursuant to 28 U.S.C. 1391(a)(2), in the District of New Jersey in that it is where a substantial part of the events or omissions giving rise to the claim occurred.

#### **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

9. Plaintiffs herein, and each of them, aver and incorporate by reference all of the allegations of Paragraphs 1 through 8, inclusive, as though the same were set forth herein at length.

10. At all times material to this Civil Action, Defendants, High Tower, LLC and Tedd R. Maller, owned, operated, controlled, possessed, maintained and/or leased a vehicle bearing Wisconsin License Plate No. 641188 Vehicle Identification No. 1GRAA06298B702866.

11. At all times relevant hereto, Defendant, Tedd R. Maller, was an agent, servant, workman and/or employee of the Defendant, High Tower, LLC, acting in the course and scope of his employment and in the furtherance of the interest of Defendant, High Tower, LLC.

12. At all times relevant hereto, Defendant, High Tower, LLC, was acting by and through its agents, servants, workmen and/or employees, acting in the course and scope of their employment and in the furtherance of the interests of the Defendant, High Tower, LLC, including but not limited to Defendant, Tedd R. Maller.

13. On or about April 17, 2017 at approximately 10:56 A.M., Plaintiff, James A. Broomhead, Jr., was the lawful owner and operator of a motor vehicle, to wit, a 2014 Kia Optima, which vehicle was stopped on R173 N/Forklanding Road behind the Defendants' vehicle when Defendant Maller, operating Defendant, High Tower, LLC's vehicle drove his vehicle in reverse and struck Plaintiff's stopped vehicle causing the Plaintiff, James A. Broomhead, Jr., to sustain serious bodily injuries hereinafter more fully set forth.

14. The aforesaid accident was caused by the negligence and carelessness of Defendants, High Tower, LLC and Tedd R. Maller and/or ABC Corporations 1-20 and/or JOHN DOES 1-20 jointly and/or severally, and was, in no manner whatsoever, due to any act or failure to act on the part of the Plaintiff, James A. Broomhead, Jr..



15. The negligence and carelessness of Defendants, High Tower, LLC and Tedd R. Maller, and/or ABC Corporations 1-20 and/or JOHN DOES 1-20 jointly and/or severally, consisted of the following:

- (a) Operating a motor vehicle at a high and excessive rate of speed under the circumstances;
- (b) Failing to have a motor vehicle under proper and adequate control;
- (c) Failure to use the highest degree of skill in the operation of a motor vehicle;
- (d) Failing to keep a proper lookout for others vehicles lawfully upon the highway;
- (e) Failing to exercise due care and caution under the circumstances;
- (f) Violating the Ordinances of the Township of Cinnaminson and County of Burlington and the Statutes of the State of New Jersey governing the operation of motor vehicles upon the highway;
- (g) Violating the Assured Clear Distance Rule; and,
- (h) Negligence at law.

**COUNT I -  
JAMES A. BROOMHEAD, JR. v. HIGH TOWER, LLC  
AND TEDD R. MALLER**

16. Plaintiff, James A. Broomhead, Jr., hereby incorporates by reference the allegations contained in Paragraphs 1 through 15, inclusive, of this Complaint as though the same were set forth herein more fully at length.

17. As a result of the negligence and carelessness of Defendants, High Tower, LLC and Tedd R. Maller, jointly and/or severally, Plaintiff, James A. Broomhead, Jr., was caused to

sustain injuries to his bones, joints, muscles, tendons, blood vessels, and soft tissues throughout his entire body, including, but not limited to, injuries to his head, neck, back, chest, torso, ribs, contusions and abrasions, a severe shock to his nerves and nervous system; all of which said injuries have in the past and will in the future cause Plaintiff, James A. Broomhead, Jr., great pain and suffering, a serious impairment of his bodily functions, and all of which are or some are permanent in nature.

18. As a further result of the negligence and carelessness of Defendants, High Tower, LLC and Tedd R. Maller, jointly and/or severally, Plaintiff, James A. Broomhead, Jr., has been or will be required to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses and may be required to continue to expend such sums or incur such expenditures for an indefinite time in the future, all to his great detriment and loss.

19. As a further result of the negligence and carelessness of Defendants, High Tower, LLC and Tedd R. Maller, jointly and/or severally, Plaintiff, James A. Broomhead, Jr., has suffered agonizing aches, severe physical pains, disability, mental anguish and humiliation and will continue to suffer same for an indefinite period of time in the future, all to his great detriment and loss.

20. As a result of the negligence and carelessness of Defendants, High Tower, LLC and Tedd R. Maller, jointly and/or severally, Plaintiff, James A. Broomhead, Jr., has or may suffer a loss of earnings and impairment of earning capacity and power, and may continue to incur same in the future.

WHEREFORE, Plaintiff, James A. Broomhead, Jr., demands judgment in his favor and against Defendants, High Tower, LLC and Tedd R. Maller, jointly and/or severally, in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars together with interest, costs and attorney's fees.



**COUNT II -  
JAMES A. BROOMHEAD, JR. v. ABC CORP. 1-20**

21. Plaintiff, James A. Broomhead, Jr., hereby incorporates by reference the allegations contained in Paragraphs 1 through 20, inclusive, of this Complaint as though the same were set forth herein more fully at length.

22. As a result of the negligence and carelessness of Defendants, ABC CORP. 1-20, jointly and/or severally as set forth hereinabove, Plaintiff, James A. Broomhead, Jr. suffered the injuries and losses set forth hereinabove.

**WHEREFORE**, Plaintiff, James A. Broomhead, Jr., demands judgment against Defendant, ABC Companies 1-20, jointly and/or severally, in his favor, in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00), together with compensatory damages, interest, costs of suit, and any other damages allowed by law.

**COUNT III -  
JAMES A. BROOMHEAD, JR. v. JOHN DOES. 1-20**

23. Plaintiff, James A. Broomhead, Jr., hereby incorporates by reference the allegations contained in Paragraphs 1 through 22, inclusive, of this Complaint as though the same were set forth herein more fully at length.

24. As a result of the negligence and carelessness of Defendants, JOHN DOES 1-20, jointly and/or severally as set forth hereinabove, Plaintiff, James A. Broomhead, Jr. suffered the injuries and losses set forth hereinabove.

**WHEREFORE**, Plaintiff, James A. Broomhead, Jr., demands judgment against Defendant, John Does 1-20, jointly and/or severally, in his favor, in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00), together with compensatory damages, interest, costs of suit, and any other damages allowed by law.

**COUNT IV – MARLA BROOMHEAD V. DEFENDANTS**

25. Plaintiff, Marla Broomhead, hereby incorporates by reference the allegations contained in paragraphs 1 through 24, inclusive, of this Complaint as though the same were set forth herein more fully at length.

26. Solely as a result of the aforesaid negligence and carelessness of the Defendants, Plaintiff, Marla Broomhead, as spouse of Plaintiff, James A. Broomhead, Jr., has been deprived of the society, companionship, aid, assistance, earnings and earning power and consortium of said spouse, all of which has, and may in the future continue to cause great emotional and financial loss and damage.

WHEREFORE, Plaintiff, Marla Broomhead, demands judgment in his favor and against Defendants, High Tower, LLC and Tedd R. Maller, ABC Companies 1-20 and John Does 1-20, jointly and/or severally, in an amount in excess of Seventy-Five Thousand (\$75,000.00) Dollars together with interest, costs and attorney's fees.

**JURY DEMAND**

Plaintiffs, James A. Broomhead, Jr. and Marla Broomhead, demand a jury trial.

**TABAKIN WOLFE, LLP**

By: 

RICHARD A. WOLFE, ESQUIRE  
Attorney for Plaintiff,  
James A. Broomhead, Jr. and Marla  
Broomhead  
[rich@twlegal.net](mailto:rich@twlegal.net)

Plymouth Greene Office Campus  
1000 Germantown Pike, B-3  
Plymouth Meeting, PA 19462  
(215) 525-1616